

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JULY 17, 2012

CALL TO ORDER/NOTING OF QUORUM

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Also in attendance was Superintendent Strittmatter.

Matt Brase, Diane Masaria, Jeff McKean, Lisa McKinney, Alex Intermill, and Debbie Rolfsen were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the July 3, 2012 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the July 17, 2012 meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

DL92-08528 CHURUBUSCO PACKAGE LIQUOR STORE, INC. – Commissioner Guthrie noted he has prepared amended findings of fact consistent with the action of the last meeting where his findings were rejected.

Commissioner Guthrie moved to approve the amended findings. Commissioner Sturtz seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Vice Chairman Johnson seconded. The motion was unanimously approved.

Five hundred five (505) permits approved for renewal, sixty-seven (67) new and/or transfer permits approved, nineteen (19) permits approved for catering, two (2) permits approved for first year escrow, one (1) permit approved for second year escrow, one (1) permit approved for third year escrow and one (1) permit approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal and fee waived letters of extension for the preceding weeks. Commissioner Guthrie seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL49-28496 DOLGENCORP LLC - Commissioner Guthrie noted this is a new type 115 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

DL71-28971 7-ELEVEN, INC. – Commissioner Guthrie noted this is a new type 115 application with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation to approve the permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR46-95402 DA CHENG CORPORATION – Commissioner Guthrie noted this is a type 112 renewal application with the local board voting three (3) to zero (0) to disapprove.

The local board stated numerous compliance check violations have occurred at this establishment.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Commissioner Sturtz seconded. The motion was unanimously approved.

DL10-28976 MAC'S CONVENIENCE STORES, LLC – Commissioner Guthrie noted this is a new type 115 application with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

DL80-28977 DOLGENCORP LLC - Commissioner Guthrie noted this is a new type 115 application with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie stated the local board cited no need and desire for a permit at that location as the reason for recommending denial.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RR84-27453 TUSCANY OF TERRE HAUTE, INC. – Commissioner Guthrie noted this is a type 112 renewal application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the permittee failed to appear at four consecutive meetings regarding alcoholic beverage violations, as required.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Commissioner Sturtz seconded. The motion was unanimously approved.

DL43-29022 NIRMAL PETROLEUM, INC. – Commissioner Guthrie noted this is a new type 115 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie moved to table this matter due to some confusion with the paperwork. Commissioner Sturtz seconded. The motion was unanimously approved.

RR29-28680 AND RR29-28681 HAMILTON COUNTY HOLDINGS II, LLC – Commissioner Guthrie noted this is a new type 103 application and a new type 210-1 application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie moved to table this matter for further investigation. Vice Chairman Johnson seconded. The motion was unanimously approved.

DL16-29016 DOLGENCORP, LLC – Commissioner Guthrie noted this is a new type 115 application with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RR45-14144 JABODA, INC. - Commissioner Guthrie noted the commission received a request to allow additional escrow for this permit. The permittee purchased the permit to put in a new development that has been delayed due to the state of the economy. It appears funding has come through and progress has been made. The business should be able to open within the next year.

Commissioner Guthrie moved to approve the request with the stipulation that the permittee submit quarterly escrow reports and be open within one year. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES – Vice Chairman Johnson moved to make two (2) permits inactive. Both permits are subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

DL45-03956 3B MANAGEMENT, INC. – Vice Chairman Johnson stated the Commission received a request to reactivate this permit. The permit expired in 2009. No renewals have been filed.

Vice Chairman Johnson moved to deny the request. Commissioner Guthrie seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

INTRODUCTION OF NEW OFFICERS – Superintendent Strittmatter introduced the five Excise recruits to the Commission. The recruits are in their fifth week of recruit school. The recruits are: Chris Antes, Jessica Lovell, Brant Mendenhall, Kaycee Sullivan and Nick Wilson.

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

Approved this _____ day of _____, 2012.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER